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*Attorneys for Defendant Wendy's International, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ADAM JERNOW, on behalf of  
himself and all others similarly  
situated,

Plaintiffs,

-against -

WENDY'S INTERNATIONAL, INC.,

Defendant.

Case No. 07-CV-3971 (LTS)  
(THK)

Hon. Laura Taylor Swain

**ANSWER TO**  
**SUPPLEMENT TO**  
**AMENDED COMPLAINT**

Defendant Wendy's International, Inc. ("Wendy's"), by its undersigned counsel,  
state the following for its Answer to the Supplement to the Amended Complaint  
("Supplement") of plaintiff Adam Jernow, on behalf of himself and all others similarly  
situated ("plaintiff").

**PREAMBLE**

The preamble to the numbered paragraphs of the Supplement contains statements

to which no response is necessary. To the extent a response is necessary, these allegations are denied.

### **JURISDICTION AND VENUE**

1. Paragraph 1 of the Supplement states legal conclusions to which no response is required. To the extent a response is required, Defendant avers that it does not presently possess information that this Court lacks jurisdiction over plaintiff's claims.

2. The first sentence of Paragraph 2 of the Supplement states legal conclusions to which no response is required. To the extent a response is required, Defendant avers that it does not presently possess information that this Court is an improper venue for plaintiff's claims. Defendant admits the allegations contained in the second sentence of this paragraph.

### **PARTIES**

3. Defendant lacks sufficient knowledge to admit or deny the truth of the allegations set forth in the first sentence of paragraph 3 of the Supplement. Defendant denies the remaining allegations in this paragraph.

4. Defendant denies the allegations contained in paragraph 4 of the Supplement, except admits that Wendy's is a citizen of Franklin County, Ohio, that Wendy's is incorporated in and has its principal place of business in Ohio, that Wendy's is a restaurant operating and franchising company, that Wendy's operates or franchises more than 6000 Wendy's restaurants in the United States and Canada, and that Wendy's reported sales in 2006 of approximately \$2 billion.

Defendant reserves the right to assert additional affirmative defenses or defenses of which it becomes knowledgeable during the course of discovery.

WHEREFORE, having answered fully, Defendant Wendy's International, Inc. requests that judgment be entered in its favor, that the plaintiff's Amended Complaint be dismissed with prejudice, that Defendant recovers its costs, and that the Court grant other such relief as it deems proper.

**RESPECTFULLY SUBMITTED** this 30<sup>th</sup> day of November, 2007.

By:                     /s/                      
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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing Answer to Supplement to the Amended Complaint to be served this 30<sup>th</sup> day of November, 2007, by ECF notification to the following persons:

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/s/

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